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ATTORNEY FOR DEFENDANT JOSEPH DIBEE

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,
Plaintiff,

Case No. 6:06-cr-60011-AA-1

vs.

**SENTENCING MEMORANDUM
ADVISORY SENTENCING
GUIDELINES**

JOSEPH DIBEE,
Defendant(s).

On November 1, 2022, Joseph Dibee comes before the Court for sentencing after pleading guilty to arson and conspiracy to commit arson. Mr. Dibee agreed to specific sentencing guideline calculations in his plea agreement. The correct numbers are as indicated in the agreement, and he has no objections to them. However, Mr. Dibee does not agree that these calculations generate an appropriate sentence under 18 USC § 3553(a).

This is a case where the correct punishment cannot be determined through made up numbers and some third-grade math. Justice requires the Court's judgment. It demands the Court's uniquely nuanced capacity to exercise discretion under 18 USC § 3553(a). That is why it was always a

precondition to settling this matter that the Court, and not the government, decide Mr. Dibee's sentence. Based on the exercise of that discretion, and for the reasons set forth in Mr. Dibee's Confidential Supplement to the Presentence Report, he urges the Court to sentence him to time served.

Respectfully submitted on October 26, 2022.

s/Matthew Schindler

Matthew A. Schindler, OSB#964190

Attorney for Joseph Dibee